

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/29/2020
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 4 WALLEBITDA, LLC, t/a THE AINSWORTH, :
 JOHN SULLIVAN, :
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 Plaintiffs, :
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 v. :
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 MATTHEW SHENDELL, FONDUE 26, LLC, :
 RONBON, LLC, AINS NASHVILLE, LLC, :
 AINS KC, LLC, AINSPH, LLC, AINSWORTH :
 GRILLE PORTAL, LLC, AINS IP COMPANY, :
 LLC, PAIGE HOSPITALITY GROUP, LLC, and :
 AINS HOLDING COMPANY LLC, :
 :
 Defendants :
 :
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20-CV-5700 (VEC)

ORDER

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 VALERIE CAPRONI, United States District Judge:

WHEREAS a hearing on Plaintiffs' motion for a preliminary injunction was held on July 29, 2020 at 4:00 p.m.;

IT IS HEREBY ORDERED THAT:

1. For the reasons stated at the hearing, Plaintiffs' motion for a preliminary injunction is DENIED.
2. Plaintiffs must file a proposed order enjoining Mr. Shendell's use of Plaintiffs' trademark at the Ainsworth Social and his reference to himself as the CEO of the Ainsworth by **July 31, 2020**. If Defendants object to the proposed order, they must file their objections not later than **August 3, 2020**.
3. Plaintiffs may file an amended complaint by **August 7, 2020**.
4. Defendants may move against or answer the amended complaint by **August 28, 2020**.

If Defendants move to dismiss the amended complaint, Plaintiffs may respond or file

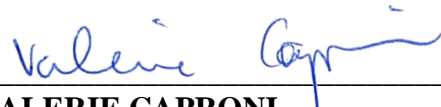
a second amended complaint (but not both) by **September 11, 2020**. If Plaintiffs oppose Defendants' motion to dismiss, Defendants' reply is due by **September 18, 2020**.

5. The deadline for fact discovery is **October 16, 2020**.
6. The deadline for expert discovery is **December 1, 2020**.
7. A pretrial conference will be held on **October 16, 2020 at 2:30 p.m.** The parties' are directed to submit a joint letter of no more than five pages by October 8, 2020 addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) the basis for subject matter jurisdiction; (3) whether fact discovery is complete; (4) whether either party seeks expert discovery; (5) whether either party anticipates making a motion for summary judgment; and (6) the prospect for settlement.
8. The Court is happy to refer the parties for a settlement conference before Magistrate Judge Wang at any time upon a joint request.

The Clerk of Court is respectfully directed to close the open motion at docket entry 14.

SO ORDERED.

Date: July 29, 2020
New York, NY



VALERIE CAPRONI
United States District Judge